DISCUSSION PAPER (16 JULY 2014)

"EU BATTLEGROUPS: USE THEM OR LOSE THEM"

SUBMITTED BY THE DELEGATION OF THE NETHERLANDS

TO THE ITALIAN PRESIDENCY PARLIAMENT OF THE IPC CFSP/CSDP

Introduction

At the European Council in December 2013, Heads of State and Government, for the first time after the entry into force of the Lisbon Treaty, held a debate on the future of EU's CSDP. Referring to Europe's rapidly evolving strategic and geopolitical environment in times of constrained defence budgets, the Council stated that 'the EU and its Member States must exercise greater responsibilities in response to those challenges if they want to contribute to maintaining peace and security through CSDP together with key partners such as the United Nations and NATO.'[1] The Heads of State and Government made a strong commitment with regard to 'the further development of a credible and effective CSDP, in accordance with the Lisbon Treaty and the opportunities it offers.'[2] They adopted a number of priority actions to this end.

One of the priority actions concerns the readiness and deployment of the EU Battlegroups. In Article 8 of its conclusions, the Council acknowledges the current shortcomings concerning the deployment of these forces:

> ***"The EU and its Member States need to be able to plan and deploy the right civilian and military assets rapidly and effectively. The European Council emphasises the need to improve the EU rapid response capabilities, including through more flexible and deployable EU Battlegroups as Member States so decide."***

The European Council will recur to CDSP in its meeting in June 2015 to evaluate the concrete progress on these matters.

Point of focus: The EU Battlegroups

In 1999 the EU decided to set up a rapid response force, whose deployment could prevent the escalation of crises at an early stage. This rapid response force was intended to encourage member states to transform their armed forces towards higher readiness and deployability. Secondly, it would enable the EU to carry out crisis management operations independently from NATO. Both objectives entailed closer defence cooperation between EU member states. The concept of a rapid response force evolved into the establishment of the EU Battlegroups. In principle, two Battlegroups – both with a personnel strength of 1,500 – have been on standby to be deployed in military operations for the purpose of international crisis management since 2007 (the standby roster is attached to this paper).

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[1] Conclusions of the European Council 19/20 December 2013, EUCO 217/13, paragraph 2.

[2] Ibidem.

According to the EU Battlegroup concept, a decision on the launch of an operation is taken by the Council of the EU within 5 days of approval of the Crisis Management Concept. Consequently, the aim is to have forces deployed on the ground within 5 to 10 days of the launch decision. The EU Battlegroup concept implies that the Battlegroups will be made up of assets and capabilities held at 5 to 10 days readiness.
In case of deployment, the forces must initially be sustainable for at least 30 days, which is extendable to 120 days, if resupplied. After this time frame, an international follow-up mission, e.g. enacted by the United Nations, might take over the tasks carried out by the EU Battlegroups.
The EU Battlegroups are joint and combined formations. This implies that they are in general composed of more than one armed service (joint), and that more than one nation contributes to its composition (multinational) although mono-national Battlegroups have occurred as well. In spite of their readiness, none of the EU Battlegroups has effectively been deployed so far, which raises the urgent question whether or not the EU should continue with the Battlegroups, or to put it differently: 'Use them or lose them'. The intention of the Netherlands is to use them.

Problem analysis: why the EU Battlegroups have not been used so far

Four factors hampering the deployability of the Battlegroups can be identified:

1) *Varying security and defence strategies / lack of political will on a European level*

Though a common Security Strategy is in place, and although member states do cooperate in the framework of CSDP, each member state remains solely responsible for its own security and defence policy priorities. Member states differ in their political and/ or military appreciation of the need to intervene in international conflicts. The decision to launch and deploy an EU Battlegroup requires a unanimous decision by the Council of the EU.

2) *Shrinking defence budgets and shifts in focus*

Secondly, most EU member states face a shrinking defence budget. Therefore they are increasingly forced to 'pool and share' key military capabilities and training. To this end many EU countries are making pragmatic bilateral and multilateral arrangements. This bottom-up trend implies a shift in focus from the EU to the bilateral or multilateral level. Another consequence of the shrinking defence budgets is that the decision of member states how to cut and reform their defence is based on national priorities.

3) *Divergent national decision making procedures*

Thirdly, the effective deployment of the Battlegroups is subject to the approval by the national decision making authorities of the member states providing military forces to the Battlegroup. The political decision making procedures vary, depending on the nature of constitutional requirements. In some member states, the government is entitled to decide without parliamentary involvement. In other states, parliament is involved in other ways. Extent of the involvement may vary depending on the specific information, consent or decision procedures that apply nationally.

4) *Financial burden*

Another explanation is the financial burden related to deployment of the EU Battlegroups, since the 'costs lie where they fall' principle applies to participation in CFSP missions. Basically, member states need to finance the operational costs of the deployment of their armed forces and equipment during CSDP missions. Only a small portion of 'common costs' is covered by the CSDP budget of the EU or by the member states (according to the 'Athena mechanism').

Challenges for deployment: parliamentary decision making procedures

A number of political, financial and/or procedural factors can be distinguished in explaining the non-deployment of the EU Battlegroups. This paper focusses on the procedural factor of parliamentary decision making procedures (the 3rd factor in our problem analysis).
The deployment of the Battlegroups is subject to the approval by the national decision making authorities of the member states providing military forces to the Battlegroup. The national decision making procedures vary, depending on the nature of constitutional requirements. In some member states, the government is entitled to decide without parliamentary involvement. In other states, parliament is involved in various ways. The extent of parliamentary involvement may vary depending on the specific information, consent or decision making procedures that apply. The consequence of the often comprehensive national parliamentary procedures regarding military deployment is that the requirement of the deployment of EU Battlegroups within 5-10 days (after launch of an operation) is not being met.

The role of parliaments and the deployment of civilian and military forces under CSDP

The Dutch delegation addressed the issue of non-deployment of EU Battlegroups at several occasions during the previous IPCs.

Last year the delegation of the Netherlands made an inquiry through the network of national parliaments' representatives into the divergent national parliamentary procedures and the various degrees of involvement of national parliaments. The results were submitted in a paper at the IPC CFSP/CSDP in Vilnius (4-6 September 2013). It regards a preliminary overview based on the contributions of 17 parliaments.

Furthermore, the issue of non-deployment of the Battlegroups has been discussed in a workshop during the IPC in Athens (3-4 April 2014). Participants in the workshop were invited to further elaborate, compare and share their experiences with regard to their decision making procedures and practices and to exchange views on how these procedures relate to the non-deployment of the EU Battlegroups. Amongst others, the following questions were raised and addressed during the IPC in Athens:
- What are the key differences in national parliamentary decision making procedures and practices, and what consequences do these have?
- What challenges do these procedures and practices pose for the timely deployment (within 5-10 days) of the EU Battlegroups?
- What opportunities can be identified to tune national parliamentary decision making procedures to the assigned EU Battlegroup task?

At the end of the IPC, broad consensus was reached at the level of problem analysis. The IPC acknowledged the importance of continuing and deepening the discussion on this matter in the next IPC in Rome (6-7 November 2014). As it was agreed in conclusion number 17 of the IPC Conclusions in Athens:

"[The Conference] takes note of the conclusions of the December European Council relating to effective decision-making for CSDP and the rapid deployment of civilian and military assets, including Battlegroups, and reiterates the call for their swift implementation; calls on the Member States to address the serious gap whereby political decisions are made to launch operations and are not backed up by the provision of civilian and military forces and capabilities; notes the need to respect national constitutions and parliamentary procedures of certain Member States prior to any decision to deploy military forces; welcomes the exchange of views on parliamentary procedures and practices during this Conference; calls for further enhancement of the cooperation among national Parliaments and the European Parliament, as budgetary authorities and legislators, to explore options for addressing the capability shortfalls in European

defence that takes into account the budgetary and financial realities as well as the need for a fair system of burden-sharing; engages to ensure that in all our Member States the requirement of the deployment of EU Battlegroups within 5 to 10 days can be met; commits to a further exchange of views on this matter in order to explore the possible solutions to increase the effectiveness and readiness of EU Battlegroups and welcomes the initiative to discuss this topic at the next IPC CFSP/CSDP conference in Rome."

Deepening the discussion: various scenarios concerning the future of EU Battlegroups

In order to deepen the discussion on the future of the Battlegroups, several scenarios can be conceived. In this paper, four scenarios are touched upon (presented hereafter in order of the level of cooperation). Of course, this list is not limitative and additional scenarios might be put forward.

1. *Permanent Structured Cooperation with preclearance*

In this scenario, EU member states can, on a voluntary basis, declare their actual readiness to deploy armed forces in case of urgency and upon decision by the Council of the EU. These member states already give general preclearance to deployment before an international emergency occurs or a European mission proposal is submitted. The level of cooperation and integration on a long-term basis between these member states will increase considerably. National and internal procedures might be adjusted or harmonised to speed up the formal deployment decision making process. If the Council decides to launch an operation, procedures can be concluded more swiftly. In addition, deployment does not depend on the willingness of all EU member states any more. In fact, the feature of Permanent Structured Cooperation in military matters, as introduced in article 42(6) of the (new) Treaty on the European Union, might be suitable to facilitate this aim.
Moreover, a Solidarity Fund, covering the operational costs, might be taken into account in order to share and lower the financial burden for individual Member States that are willing to deploy the EU Battlegroups.

2. *Training model with possibility of enhanced cooperation and certification*

According to this scenario, the current EU Battle groups are remodelled into training and certification pools; the main focus is on joint training and experimentation of operational capabilities. Furthermore, joint training costs – e.g. planning, logistical services and equipment – are reduced by better coordination and pooling of demand. Standardisation and certification of EU Battlegroups by an independent organisation (such as the European Defence Agency) would ensure consistent quality on a long term. Decision making procedures concerning deployment remain nevertheless the sole responsibility of the participating EU member states.
However, from these training and certification pools, a 'coalition of the able and willing' can be assembled at the moment an international crisis occurs. Those member states would enhance readiness in order to deploy their operational units to perform the required tasks they have already trained for.

3. *Continuation of current practice*

By this scenario, the current de facto functioning of the EU Battle groups is merely continued. The EU member states explicitly settle for training capacities with no intention to actual deployment. Basically, the objectives of the EU Battlegroups are lowered and adjusted to the current practice.

4. *Termination of EU Battlegroups*

The fourth and least demanding option is termination of the EU Battle groups. The rapid response forces of the European Union, as conceived in 1999 and realised in 2007, will be

abolished and disbanded, without having been deployed. The EU henceforth leans upon the general (more time-consuming) procedures on CSDP missions and the commitments to these missions by member states. For rapid response forces, the EU and its member states will from now on be dependent on other international organisations, such as NATO.

Possible questions to be raised at the IPC in Rome

It is recommendable to structure the (extended) discussion on EU Battlegroups at the IPC in Rome by a selection of questions. The Dutch delegation suggests the following, comprehensive series of questions (subject to selection):

- In which way and to what extent do national procedures and practices differ?
- What consequences might these differences have (at a national level and EU level)?
- What lessons and conclusions are to be learned from this comparison?
- How can national procedures be coordinated to facilitate the rapid deployment of EU Battlegroups?
- Which scenario for the future of the EU Battlegroups do you suggest?
- What opportunities and challenges do you expect?
- What is the effect of the defence budget cuts in EU member states on (the deployment of) the EU Battlegroups?
- In which way does the NATO financing system serve as a good example for the EU?
- What can we learn from NATO's rapid response forces?
- How can we improve cooperation between EU and NATO and enhance synergy?
- To what extent is it (politically) feasible to mutualise the operational costs of deployment of EU Battlegroups, for example by a Solidarity Fund, to be funded by voluntary contributions of EU member states?
- To what extent should (or might) member states that deliver contributions to the same, multinational EU Battlegroups coordinate their national procedures?
- To what extent can or should national parliamentary procedures be tuned to the assigned EU Battlegroups task?
- In what way should the national decision making procedures be taken into account when the multiannual schedule of member states' contributions to the EU Battlegroups is drafted?
- Do you perceive some sort of relationship between the rise of bilateral and multilateral arrangements between EU Member States and the EU Battlegroups?
- Would you support the idea to rename the EU Battlegroups as 'EU Rapid Reaction Force' (abbreviated 'ERF'), similar to the NRF (NATO Response Force)?

<u>Attachments:</u>

1) The role of the Dutch Parliament in the decision-making process regarding deployment of the armed forces
Source: Dutch Parliament

2) Table outlining the availability of EU Battlegroups in 2005-2014
Sources: German Ministry of Defence, Stiftung Wissenschaft und Politik (SWP), Wikipedia

1) *The role of the Dutch Parliament in the decision-making process regarding deployment of the armed forces*

The involvement of the Dutch Parliament (House of Representatives and Senate) in the decision-making process regarding deployment of the armed forces is derived from article 100 of the Dutch Constitution (added in 2000). This article stipulates:

1. The Government shall inform the States General in advance if the armed forces are to be deployed or made available to maintain or promote the international legal order. This shall include the provision of humanitarian aid in the event of armed conflict.
2. The provisions of paragraph 1 shall not apply if compelling reasons exist to prevent the provision of information in advance. In this event, information shall be supplied as soon as possible.

The "Review Framework" (Toetsingskader) has become the general instrument to assess the government's intention to deploy the armed forces and structures the debate between government and parliament on individual military operations. This Review Framework - a list of particular political and military points of interest - was first introduced in 1995 and was linked to Article 100 of the Constitution - after that article came into force. The Review Framework is a flexible instrument as per individual mission, a decision will be made on which elements of the framework should be addressed. In general, the review will include an assessment of the political context of the conflict, the countries participating, the financial means available, the feasibility of the mission, the risks, the expected duration of deployment and the mandate of troops.

In a letter to Parliament, the government explains its decision along the lines of the Review Framework, followed by parliamentary scrutiny (predominantly in the House of Representatives). While parliamentary approval is not officially needed for deployments to start or continue, in practice the government will always strive for broad political support in the Parliament.

2) *Table outlining the availability of EU Battlegroups in 2005-2014*

Period – Year & Months		**Participating countries (1 or 2 BGs per semester)**
2005	**01-06**	United Kingdom
		France
	07-12	Italy
		None
2006	**01-06**	France, Germany
		Spain, Italy, Greece, Portugal
	07-12	France, Germany, Belgium
		None
2007	**01-06**	Germany, Netherlands, Finland
		France, Belgium
	07-12	Italy, Hungary, Slovenia
		Greece, Romania, Bulgaria, Cyprus ("HELBROC Battlegroup")
2008	**01-06**	Sweden, Finland, Norway, Estionia, Ireland ("Nordic Battlegroup")
		Spain, Germany, Portugal
	07-12	Germany, France, Belgium, Luxemburg, Spain
		United Kingdom
2009	**01-06**	Italy, Spain, Portugal, Greece
		None
	07-12	Czech Republic, Slovakia
		France, Belgium, Luxemburg
2010	**01-06**	Poland, Germany, Slovakia, Lithuania, Latvia
		United Kingdom, Netherlands
	07-12	Italy, Romania, Turkey
		Spain, France, Portugal
2011	**01-06**	Netherlands, Germany, Finland, Austria, Lithuania
		Sweden, Finland, Norway, Estonia, Ireland ("Nordic Battlegroup")
	07-12	Greece, Bulgaria, Romania, Cyprus ("HELBROC Battlegroup")
		Portugal, Spain, France, Italy
2012	**01-06**	France, Germany, Netherlands
		None
	07-12	Italy, Slovenia, Hungary
		Germany, Austria, Czech Republic, Croatia, Macedonia
2013	**01-06**	Poland, Germany, France ("Weimar Battlegroup")
		None
	07-12	United Kingdom, Sweden
		Belgium
2014	**01-06**	Greece, Bulgaria, Romania, Cyprus ("HELBROC Battlegroup")
		None
	07-12	Belgium, Germany, Luxemburg, Macedonia, Netherlands, Spain
		None